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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

STEPHAN DAVIDSON, A088440758,

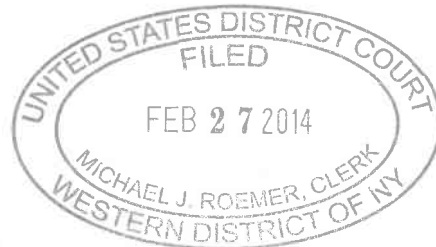
Petitioner,

-v-

12-CV-601Sc
ORDER

ERIC H. HOLDER,
Attorney General of the United States,
MICHAEL PHILIPS, Field Office Director
for Detention and Removal, Buffalo
Field Office, Bureau of Immigration
and Customs Enforcement,
DEPARTMENT OF HOMELAND SECURITY,
TODD TRYON, Facility Director,
Buffalo Federal Detention Facility,

Respondents.



Petitioner Stephan Davidson, who was detained at the Buffalo Federal Detention Facility ("BFDF"), filed this *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 seeking release from detention in the custody of the United States Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE), pending the execution of a final immigration order of removal issued against him. Petitioner's failure to accompany the petition with either payment of the \$5.00 filing fee or a signed application to proceed *in forma pauperis* would ordinarily have resulted in the issuance of an order directing that the petition be dismissed without prejudice unless petitioner either furnished the Court with a signed and completed application to proceed *in forma pauperis* or paid the filing fee. However,

subsequent to the filing of the petition, the Court has learned that petitioner had been released from BFDF. That petitioner is no longer in DHS custody is confirmed by the ICE Detainee Inmate Locator, see <https://locator.ice.gov/odls/searchByAlienNumber.do>, which currently shows no record of petitioner.

It is well established that where an alien challenging his detention under 28 U.S.C. § 2241 is released from custody, his petition is thereby rendered moot. *E.g.*, Denis v. DHS/ICE of Buffalo, N.Y., 634 F. Supp.2d 338, 341 (W.D.N.Y. 2009) (citing cases). Accordingly, Davidson having been released from DHS custody, his petition is dismissed as moot. The Clerk of Court is directed to enter judgment dismissing the petition and to close this case.

SO ORDERED.

S/ Michael A. Telesca

MICHAEL A. TELESKA
United States District Judge

Dated: February 26, 2014
Rochester, New York